

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS
No. 06-076V
Filed: September 11, 2008

NYREE SILVA, as the Special Administrator	*	
for TAVA'ESINA SILVA, a Minor,	*	
	*	Attorney Fees; Costs;
Petitioner,	*	Informal Agreement
	*	
v.	*	
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

ATTORNEY FEES AND COSTS DECISION

Vowell, Special Master:

On August 29, 2008, petitioner filed an [86] application of for attorney fees and costs. Also on that date, respondent filed a [85] joint stipulation for attorney fees and costs reflecting an informal agreement between petitioner and respondent as to the total. On September 5, 2008, petitioner filed a [87] statement indicating that he had incurred no litigation costs.

Petitioner requested a total of **\$120,006.22**. The requested amount represents **\$70,006.22** for litigation costs incurred by petitioner's counsel, Dennis Potts, and **\$50,000.00** for attorney fees.

After reviewing the file, I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1).

Further, the proposed amounts seem reasonable and appropriate. Accordingly, I hereby award the total of **\$120,006.22**¹ issued as:

¹ This amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. See generally, *Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir. 1991).

a lump sum of **\$120,006.22**, in the form of a check payable jointly to petitioner and petitioner's counsel for attorney fees and costs.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.²

IT IS SO ORDERED.

s/Denise K. Vowell
Denise K. Vowell
Special Master

² Entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review. See Vaccine Rule 11(a).